IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.
APPEAL NO.735 OF 2006
IN
NOTICE OF MOTION NO.1587 OF 2006
IN
SUIT NO.1341 OF 2000

Mr. Banwarilal H. Khaitan .. Appellant
v/s.
M/s. PLA Exports Pvt.Ltd. and others .. Respondents

Ms.Indu Varma i/by M/s. Sreeneeti for the appellant.

Mr. Anil Menon i/by M/s.Legal Professionals for the respondent Nos.1 and 3.

CORAM : R.M.LODHA &
S.A.BOBDE, JJ.

DATED : 10TH OCTOBER, 2006.

P.C.

We heard the counsel for the appellant and perused the impugned order.

2. Upon consideration of the material on record, the learned motion Judge did not accept the case of the plaintiff-appellant that he had no knowledge of the orders passed by this court on 31st March, 2000 and 7th April, 2000 in notice of motion No.1117 of 2000. The learned motion Judge recorded that as a matter of fact, the plaintiff was personally present in the court on 31st March, 2000. This fact is not even disputed by the counsel for the appellant before us. In this view of the matter, prima facie, the conclusion of the learned motion Judge that the plaintiff's case is

dishonest, cannot be faulted.

3. No case for interference in the impugned order is made out. Appeal is dismissed in limine.

(R.M.LODHA, J.)

(S.A.BOBDE, J.)